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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,101	04/23/2004	Junichi Matsumoto	250917US3CONT	7524
22850	7590	08/16/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BEATTY, ROBERT B	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/830,101

Applicant(s)

MATSUMOTO ET AL.

Examiner

Robert Beatty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/963,644.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The abstract of the disclosure is objected to because it is not descriptive of the invention as is now claimed. Correction is required. See MPEP § 608.01(b).

2. Claims 29-33 are objected to because of the following informalities: in claim 29, lines 3-4 and claim 33, lines 6-7, the applicant claims the mouthpiece "configured to connect an outside of the container body with an inside of the container body" which is unclear in that from the description it is not seen how a member connects an outside with an inside. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawata (4,615,364).

Kawata teaches a toner container 2 (see Fig.4-5) comprising a container body 22 for holding toner and a mouthpiece 21 located at a discharging part of the toner container and including outlets 242,241. The mouthpiece

includes bayonet projections (engagement portions) 234,233 which mate with guides 313,314 located on a setting portion 1 where the container is to be mounted. See col.5, line 47 - col.6, line 2. The engagement portions have the outlet between them.

4. Claims 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshino et al. (JP# 03-267965).

Yoshino et al. teach a toner container 10 comprising a container body 11 for holding toner and a mouthpiece 12 located at a discharging part of the toner container and including outlet 12A. The mouthpiece includes engagement portions 150 which mate with guide members 240 located on a setting portion 20 where the container is to be mounted. Each of the engagement portions will be specific to the type of toner contained in the toner container and will only mate with a mating guide members on the setting portion that corresponds to that toner container. The engagement portions have the outlet between them.

5. Claims 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito .

Saito teach an image forming apparatus comprising a main body including a plurality of setting portions 61Y, 61M, 61C, 61BK which will mate with a specific toner container 8Y, 8M, 8C, 8BK. The toner container

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will include a container body, an outlet and a mouthpiece 9Y, 9M, 9C, 9BK having a specific engagement portions 9a, 9b. Each setting portion will have a specific guide member 97,98 which will correspond to a particular toner container. The engagement portions have the outlet between them. See col.7, lines 8-42.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumoto et al. is the patented parent application. Dirx and Eom (EP) teach various toner containers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

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A handwritten signature in black ink, appearing to read "Robert Beatty", with a long horizontal flourish extending from the end.

Robert Beatty
Primary Examiner
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August 15, 2004